

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Central Livestock Association, Inc.,
and Genex Cooperative, Inc.,

Plaintiffs,

v.

Civil No. 08-155 (JNE/JHG)
ORDER

R & J Dairy, Richard E. Millner,
and James L. Nickeson,

Defendants.

Central Livestock Association, Inc., and Genex Cooperative, Inc., (collectively, Plaintiffs) assert claims for breach of contract, unjust enrichment, conversion, and accounts stated against R & J Dairy, Richard E. Millner, and James L. Nickeson. In an Order dated August 14, 2009, the Court granted Plaintiffs' motion for default judgment against R & J Dairy and for summary judgment against Millner and Nickeson on Plaintiffs' breach of contract claims. On September 19, 2009, Plaintiffs, Millner, and Nickeson filed a stipulation regarding an award of attorney fees and costs, and on October 20, 2009, they filed a stipulation regarding the dismissal of the claims for unjust enrichment, conversion, and accounts stated. Having reviewed the stipulations, and based on the files, records, and proceedings herein, IT IS ORDERED THAT:

1. The September 19 stipulation regarding an award of attorney fees and costs [Docket No. 89] is APPROVED.
2. The October 20 stipulation regarding the dismissal of Plaintiffs' claims for unjust enrichment, conversion, and accounts stated [Docket No. 90] is APPROVED.
3. Plaintiffs' claims for unjust enrichment, conversion, and accounts stated are DISMISSED WITHOUT PREJUDICE.

4. R & J Dairy, Millner, and Nickeson are jointly and severally liable to Genex Cooperative for damages in the amount of \$1,533,948.10 as of June 5, 2009, plus additional service fees accruing in the amount of \$324.24 per day.
5. R & J Dairy, Millner, and Nickeson are jointly and severally liable to Plaintiffs for attorney fees and costs in the amount of \$138,725.00.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 22, 2009

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge